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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,309	01/22/2004	Henry B. Strub	345288015US	8261
25096	7590	01/23/2008		
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			EXAMINER CHEVALIER, ROBERT	
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			01/23/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/764,309

**Applicant(s)**

STRUB ET AL.

**Examiner**

Bob Chevalier

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/7/08.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/30/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 40-51 of Group I in the reply filed on 1/7/08 is acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 40-51 are rejected under 35 U.S.C. 102(b) as being anticipated by McNelley et al (P.N.5,550,754).

McNelley et al disclose a portable video phone system that shows all the limitations recited in claims 40, and 51, including the feature of obtaining a first set of visual data associated with the event using a first recording unit (See McNelley et al's Figure 8, where it is shown a video phone means having the capability of obtaining and recording visual data of a surrounding area), the feature of obtaining a second set of visual data associated with the event using a second recording unit, the second recording unit being physically separate from the first recording unit (See the capability of establishing a video telephone conversation between a first party and a second party as shown in McNelley et al's claim 1, lines 1-4; therefore, the two parties in conversation can be obtaining and recording visual data of the same surrounding area while they are disposed at a distance between each other), and the feature of transmitting the first set

of visual data to the second recording unit as specified in the present claims 40, and 51.  
(See McNelley et al's column 22, lines 41-51).

With regard to claim 41, the feature of displaying the first set of visual data on the recording medium as specified thereof would be present in cited reference of McNelley et al. (See McNelley et al's column 22, lines 19-22).

With regard to claims 42-43, the feature of transmitting wirelessly the first set of visual data to the second recording unit as specified thereof is present in McNelley et al. (See McNelley et al's column 7, line 66, to column 8, line 9).

With regard to claim 44, the feature of transmitting an identifier indicating an origin of the first set of visual data as specified thereof is present in McNelley et al. (See McNelley et al's claim 15).

With regard to claim 45, the feature of storing the first and second set of visual data as specified thereof is present in McNelley et al. (See the capability of recording visual data from both parties as shown in McNelley et al's claim 15, and claim 17, lines 1-8).

With regard to claim 46, the feature of selectively storing one of the two sets of visual data as specified would be present in McNelley et al. (See the capability of recording visual data from both parties as shown in McNelley et al's claim 15, and claim 17, lines 1-8, and the recording controller shown in McNelley et al's Figure 8, component 188).

With regard to claim 47, the feature of the visual data being compressed as specified thereof is present in McNelley et al. (See McNelley et al's column 18, lines 43-48).

With regard to claim 48, the feature of coordinating between the first and second recording units to sync the first and second set of visual data as specified thereof would be present in McNelley et al. (See the capability of recording visual data from both parties as shown in McNelley et al's claim 15, and claim 17, lines 1-8, and the recording controller shown in McNelley et al's Figure 8, component 188).

With regard to claim 49, the feature of transmitting audio data from one of the recording units to the other as specified thereof is present in McNelley et al. (See McNelley et al's column 23, lines 6-9).

With regard to claim 50, the feature of displaying the first set of visual data on the second recording unit and switching to display the second set of visual data on the second recording unit as specified thereof is present in McNelley et al. (See McNelley et al's column 22, lines 19-22).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thomason discloses a wireless video audio data remote system.

Cvetko et al discloses an interactive multimedia system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-

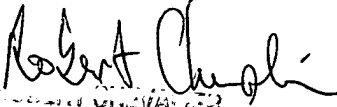
Application/Control Number:  
10/764,309  
Art Unit: 2621

Page 5

7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER

B. Chevalier  
January 17, 2008.